

Wormwood Scrubs Charitable Trust Committee Minutes

Wednesday 24 March 2021

PRESENT

Committee members: Councillors Alexandra Sanderson (Chair) Helen Rowbottom and Belinda Donovan

Co-opted Members: Stephen Waley-Cohen and Miriam Shea

Advisors to the Trust: Stephen Hollingworth, Carmen Lomotey, Heather Marsh, Chris Harris

Amrita Gill (Clerk)

Note: This meeting was held remotely. A recording of the meeting can be found at: <https://youtu.be/ZjZ2Y2glBV8>

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Matt Rumble.

2. DECLARATIONS OF INTEREST

The Chair carried out a roll call to confirm attendance. There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

RESOLVED:

That the minutes of the meeting held on 15th December 2021 were approved.

4. ANNUAL REPORT AND ACCOUNTS 2019/20

Chris Harris, Advisor to the Trust, presented the report and provided a brief overview of the key points arising from the Statement of Account and Trustee's report. It was noted that the Trust delivered a surplus for the year of £147,205. This was the third surplus in recent years. This surplus was substantially underpinned by the additional income from the Kensington Aldridge occupation of the Scrubs. Further details on the financial performance could be found within the Statement of Accounts and Trustee's report

Stuart McKay (MHA MacIntyre Hudson) provided a summary of the Audit Findings report for the year ended 31st March 2020, noting the following key points:

- MHA MacIntyre Hudson remained independent to the Charitable Trust within the meaning of regulatory and professional requirements.
- An overview was provided on the key areas of audit focus which had been identified as part of the overall audit strategy and how they had been resolved.
- The audit work on the financial statements was now substantially complete and the Auditors anticipated issuing an unqualified audit opinion for the year ended 31st March 2020 for the Charity.
- The audit findings and the areas reviewed were outlined, these included audit misstatements, risk of fraud and error in the financial statements, accounting policies and accounting estimates.

The Chair asked if there was a penalty to the Trust for filing late. In response Chris Harris noted that there was no penalty and the Trust had dispensation to file until the end of March 2021.

Stephen Waley-Cohen (Co-opted member) asked for clarification to be provided on whether the Auditors were independent to the Trust and separate to the Council. In response Stuart McKay confirmed that MHA MacIntyre Hudson were appointed as independent Auditors, specifically for the Trust.

Miriam Shea (Co-opted member) noted that she would send Chris Harris some minor comments on the Annual report so that it could be updated.

Action – Miriam Shea

Miriam Shea (Co-opted member) asked for some clarification to be provided on the income received from other trading activities and from donations and grants. Stuart explained that the income from other trading activities related to the rent received from Kensington Aldridge Academy and income from donations and grants related to the HS2 environmental remediation works.

Stephen Waley-Cohen (Co-opted member) asked a question concerning the treatment of the rental income received in respect of the Pony Centre and whether this was credited to the Council or the Trust. In response Chris Harris noted that a formal response would be circulated to the Committee, once this matter had been investigated.

Action – Chris Harris

RESOLVED:

That the Committee:

- Approved the Trustee's Annual Report, attached as Appendix A.
- Approved the 2019/20 financial accounts for Wormwood Scrubs Charitable Trust ("the Trust"), incorporated as part of the Annual Report (Appendix A).
- Approved the management representation letter (attached as Appendix B).
- Noted the contents of the annual risk assessment (contained in the Trustee's report on page 25).
- Noted that the accounts remained subject to change until the final audit opinion was issued and delegated authority to the Assistant Director Leisure, Sport & Culture, Stephen Hollingworth in consultation with the Chair of the Committee, to approve any changes to the 2019/20 Financial

Accounts, Annual Report and the management representation letter required as part of the finalisation of the audit process.

5. **MANAGER'S REPORT**

Steve Hollingworth, Advisor to the Trust introduced the report.

HS2 Bill Alternative Ecological Mitigation

Heather Marsh, Advisor to the Trust noted that the Ecological masterplan presented on the 30th of June to the Wormwood Scrubs Charitable Trust was taken to a subgroup on 29th October 2020. Three options drawn up by consultants were considered at the subgroup meeting on the 17th March, with the aim of recommending a preferred option. A detailed discussion was had at the subgroup meeting regarding all three options, and the preferred choice was option 3.

Heather provided a short presentation on the Ecological masterplan, the recommendations made at the meeting and the reasons why some features were not supported by the subgroup.

The Chair requested that the Ecological masterplan be circulated to the Committee.

Action: Heather Marsh

Members requested that the details of the final masterplan be made available to the public as soon as possible. The Chair asked that an additional engagement event be held to share the plans with the public when they were finalised.

Action: Heather Marsh

Councillor Helen Rowbottom asked for a summary to be provided on the new features that were recommended to be included in the master plan by the subgroup. Heather Marsh provided a breakdown of the new features agreed by the subgroup, these included meadow management to improve biodiversity, increasing tree planting on the Scrubs, woodland management of the existing trees and woods on the Scrubs and introducing additional signage in some of the main entrance points of the Scrubs.

Members requested that the Ecological masterplan and report, including the visualisations be published on the Council's website.

Action: Heather Marsh

Members considered the subgroups recommendations for approval and agreed for these to be progressed.

HS2 – Access to Trust Land

Steve noted that planning permission had been approved for the alternative access from Old Oak Common Lane. This route provided temporary access for HS2 to the areas defined for their work within the Government Act. Agreement of a lease for this access should be completed by 22/03/21.

To enable the alternative route, a temporary route for light vehicles on matting was agreed from Braybrook Street, to carry out the vegetation clearance works. These works had to be done before the bird nesting season to minimise impact and disturbance of wildlife.

Concerns had been raised by residents that the agreed method statements for the vegetation clearance was not being followed. Officers had been on site daily to check that the agreed method of working was being followed.

Protestors against HS2 set up camp within the HS2 working area adjacent to Chats Paddock. HS2 took action to liaise with the protestors and demarcate their site with fencing. Wet weather later that afternoon meant that HS2's continued action to manage the protestors caused considerable damage to an area of grassland used as a main access way by members of the public. Action had been taken to reinstate this damage and provide alternative access for members of the public. HS2 were also providing a weekly programme of works which was being monitored by Council officers.

The Chair thanked Steve and his Team for all their hard work towards the completion of the vegetation clearance works.

The Chair queried when the matting would be placed on the Braybrook Street entrance. Steve to follow this up with HS2.

Action: Steve Hollingworth

Miriam Shea (Co-opted member) noted that there were ongoing concerns amongst the Friends of the Scrubs around the vegetation clearance works and asked whether HS2 were planning to clear additional bramble outside of its fencing boundaries and further into Chats Paddock. Steve clarified that any vegetation clearance works carried out by HS2 were planned to take place within their working boundary area.

Stephen Waley-Cohen (Co-opted member) asked for an update to be provided on the protestors who had set up camp within the HS2 working area. In response Steve explained that he had a discussion with the protestors and explained the process of the works that would be carried out by HS2, including the access route and location points of where these works would finish. However, the protestors felt that HS2 would continue towards the eastern part of the Scrubs if they were to leave the site.

Councillor Helen Rowbottom queried how long the protestors intended to camp onsite. In response Steve explained that the Council anticipated that protestors would remain on site until the permanent hoarding was placed around April/May 2021 to secure the area where the works that would be carried out by HS2.

Miriam Shea (Co-opted member) asked for clarification to be provided on the restitution process upon completion of the HS2 works. Steve Hollingworth provided a summary of how the reinstatement works would be carried out, noting that this would be considered separately from the masterplan.

The Chair asked how long the hoarding would be in place for. Steve noted that the hoarding would be up for the duration of the works conducted by HS2, which could be a maximum of 18 months.

Update on leases

Kensington Dragons Football Club (KDFC)

Steve noted that the WSCT Committee of 15/12/20 requested clear guidance that a 40-year lease would have no significant difference to a 25-year lease for this project. This guidance had been received. A suite of documents had been proposed to ensure that the funding agreement between WSCT and Kensington Dragons Football Club (KDFC) was construed as grant funding. These documents were being updated and should be ready to review on 12/03/21.

Tennis Courts

Heather noted that the London Institute of Medical Sciences (LMS) was granted a licence to use the un-used tennis courts to the South of the Linford Christie Stadium to enable their development. The discovery of buried asbestos, which had now been safely removed, was an additional cost to LMS of £175 and they were requesting full recovery of the cost. These costs had been reviewed by Council officers and it was recommended that the Trust should approve the apportionment of costs for asbestos remediation between the LMS developer and WSCT. LMS would accept the Trust to pay 63% of the cost and agreed to pay the remainder. The cost of this would need to be offset against the income to be received for the licence (£170K).

The Committee unanimously agreed for the Trust to pay 63% of the cost for the asbestos remediation works.

Parks Lodge

Steve noted that a structural survey carried out in January 2020, found the building in poor condition. The survey noted that 'In view of the extensive distresses found in this property it was further recommended that the cost of the underpinning and restorations works be compared with that of a complete rebuild'. It would be prudent to examine these costs before making the decision on how to move forward and restore the property. Options should be considered for agreement of the preferred way forward including:

- Repair the building, to continue as a tenanted dwelling.
- Demolish and rebuild as a dwelling on a similar footprint
- Demolish and return the site to open space. The tenant could be helped to obtain alternative accommodation.
- Demolish and develop the site to maximise income for the Trust.

A fixed fee quote of £1,950 had been obtained to explore these options and develop outline costs for these options. The recommendation was for the Trust to accept this quotation, and for the findings to be presented at the next Committee meeting.

Members expressed concern about repairing the property for commercial purposes and the impact this might have on the Trust as a charity. However, the Committee

were keen to explore numerous options, including rebuilding it as an Ecology centre or a similar type of facility for public use.

Members agreed that an enhanced set of options, including outline costs for these options be brought to the next Committee meeting.

Action: Steve Hollingworth

Coffee Cart

Heather noted that a resident living near the Scrubs had a proposal to run a mobile van selling refreshment from the Wormwood Scrubs car park. The van would occupy a parking space to sell refreshments during the day and be parked off site at night. The recommendation was to permit Council officers to negotiate a short-term licence with the proposer. If successful, the licence could be tendered for a longer period.

The Committee agreed for Council officers to proceed with this proposal.

Implementing Strategic Governance Review recommendations

Steve explained that the terms of reference for this review were still awaiting legal advice. The Committee would be updated when this was completed.

The Trust Committee approved a budget allocation of £75K a year for two years (£150,000 in total), to fund an appropriate project manager role to support the implementation of the review recommendations and provide wider support to WSCT. Candidates had now been short listed for interview.

Miriam Shea (Co-opted member) queried whether the management of the Linford Christie Stadium would fall under the the Trust manager's remit. In response Steve noted that the work relating to Linford Christie would be overseen by a separate manager, however the Trust manager would support the project in collaboration with Council colleagues.

Community Safety Update

Steve noted that the very high visitor numbers on the Scrubs seen during the Covid-19 pandemic reduced with colder, wetter weather but were still well above normal.

Parks Police monitored all incidents at the Scrubs and an up to date record had been requested.

Grounds Maintenance and site management update

Steve noted that the stadium was due to reopen on the 29th March 2021 for organised sport and Thames Valley Harriers, Chiswick Hockey and Kensington Dragons had booked to start back that week. During this last lockdown period, the stadium had redecoration and internal works completed. During the lockdown many sections of fencing and pitch kickboards had been vandalised. These would be repaired before the stadium reopened.

Heather explained that the roadway providing vehicle access from Scrubs Lane to the Linford Christie Stadium, the Pony Centre, Council depot and to the temporary site for Kensington Aldridge Academy (KAA) was in poor condition. Selective repairs were carried out by the Department for Education (DfE) when KAA first

occupied the site, and under the terms of their agreement, DfE must provide remediation of any damage caused during their occupation of the site. It was noted that DfE were unwilling to contribute to repairs to the roadway until the end of their tenancy. In addition, potential construction projects may make the comprehensive repair of the road at this stage ill-advised.

Parks officers met with the Council's highways engineers to discuss options as set out under 7.2 in the Manager's report. It was recommended that Option 2 as an interim solution was approved, followed by a comprehensive scheme considered when KAA vacated their site.

The Chair noted that it was a priority to ensure that the roadway was repaired to a good standard as soon as possible. The Committee agreed to proceed with option 2 as long as a high-quality repair was achieved.

Steve noted that heavy use of the Scrubs during the winter had put pressure on the existing habitat at the Scrubs in particular the Meadow areas. Several measures were proposed to mitigate impact on the meadows as set out under section 7.3 in the Manager's report.

Stephen Waley-Cohen (Co-opted member) reminded the meeting of the problems concerning the Meadow area. They began in the very wet winter of 2019-20 when, despite requests to the Council to manage the paths they became so muddy that people created the alternative 'desire line' paths through the middle of the meadow. Prior to this, walkers had generally been very respectful of the signs requesting avoidance of the eastern section of the meadow most likely to be the site of the ground-nesting birds. In regard to the hedging activities to protect the meadow, Stephen thanked the Chair for her statement earlier this week, endorsed by him and by Emma Ranson.

Heather noted that the installation of additional bird and bat boxes in the woodland at the north eastern boundary of the Scrubs would increase capacity for nesting and help mitigate the loss of trees removed during HS2 clearance works. Installing a bird and bat box would cost £1,950. The Committee was recommended to approve this action and the funding required to achieve it.

The Committee unanimously agreed to proceed with this this recommendation.

Heather explained that the installation of signage to inform HS2 works, requested responsible use of the Scrubs and publicise the masterplan once this had been agreed would be useful to the management of the site. The Committee was recommended to approve the further development of artwork to obtain competitive quotes, and the funding to implement new and refurbished signage, to the maximum value of £10,000.

Heather to circulate some detailed proposals regarding the contents that would be included in the signage to the Committee.

Action: Heather Marsh

The Committee unanimously agreed to proceed with this this recommendation.

Steve noted that the first stage of the Grounds Maintenance contract had been completed. Five submissions were received for the Wormwood Scrubs Lot. Three suppliers demonstrated that they were capable of completing the specification and would be invited to submit an initial tender by the end of April 2021.

Stephen Waley-Cohen (Co-opted member) requested that a sub-group be set up for the grounds maintenance contract and Emma Ranson be invited to join.

Action: Steve Hollingworth

Events

Steve noted that no events have been held at the Scrubs during the COVID-19 pandemic.

Audit and Accounts

Steve noted that MHA Macintyre Hudson had been appointed to audit the 2019/20 financial year. The Auditor's report and the Annual report would be issued separately.

Risk Management 2021/22

The Trust's risk management strategy included the annual review of risks and establishment of plans to mitigate these. The 2021/22 risks and mitigations were set out in Annexe A included in the agenda pack.

Financial Forecast 2020/21

Carmen, Advisor to the Trust summarised the financial forecast for the Trust for 2020/21 and gave a summary of the key points.

Financial Budget 2021/22

Carmen noted that the proposal was for a 2021/22 net income budget of £31,595. Although this was similar to the 2020/21 outturn both income and expenditure were higher than 2021/21. Some impact of Covid-19 was anticipated.

The Committee approved the 2021/22 financial budget subject to the budget being updated with the additional agreed items and circulated to members for review.

Action: Carmen Lomotey

Stephen Waley-Cohen (Co-opted member) asked for an update to be provided on the introduction of weekend parking charges. In response Carmen explained that weekend parking was factored into the budget, however this had not yet commenced.

Members requested that a progress report on the Linford Christie Stadium be brought to a future Committee meeting.

Action Matt Rumble

RESOLVED:

That the Committee:

- Considered the recommendations made by the AEM subgroup 17/03/21
- Approved the apportionment of costs for asbestos remediation and agreed to pay 63% of the cost towards the works.
- Approved the expenditure of £1,950 to explore options for Park Lodge.

- Authorised officers to negotiate a short-term licence with the proposer of a coffee cart.
- Approved Option 2, as an interim solution for the access road from Scrubs lane.
- Approved the expenditure of £1,950 for bird and boxes.
- Approve expenditure of £10,000 for new and refurbished signage.
- Noted the audit update for 2019/20.
- Approved the 2021/22 risk management.
- Noted the 2020/21 financial forecast.
- Approved the 2021/22 financial budget subject to the budget being updated with the additional agreed items and circulated to members for review.
- Noted all other matters in the report.

Meeting started: 6:30pm
Meeting ended: 8:30pm

Chair

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